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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/522,954

Filing Date January 31, 2005

First Named Inventor Beverly L. Davidson

Art Unit 1635

Examiner Name Unknown

Attorney Docket Number 17023.045US2

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☒ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

Combined Declaration & Power of Attorney;
Request to Correct Inventorship; Statement
to Correct Inventorship; Copy of recorded
Assignment; check; *Return Postcard*

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

VIKSINIS HARRIS & PADYS PLLP

Signature

Ann S. Viksnins

Printed name

Ann S. Viksnins

Date

November 30, 2006

Reg. No.

37,748

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Lynda Mau

Typed or printed name

Lynda Mau

Date

November 30, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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S/N 10/522,954



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Beverly L. Davidson et al.	Examiner:	Unknown
Serial No.:	10/522,954	Group Art Unit:	1635
Filed:	January 31, 2005	Docket:	17023.045US2
Title:	ALLELE-SPECIFIC SIRNA-MEDIATED GENE SILENCING		

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(b)

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests that Victor Miller, Henry Paulson and Pedro Gonzales-Alegre be deleted as inventors in the above-identified nonprovisional patent application under 37 C.F.R. § 1.48(b) because their inventions are no longer being claimed in the application. They were correctly named as inventors in the application as filed. Due to the amendment of the claims, fewer than all of the inventors named in PCT Application PCTUS2003/016887, of which the current application is a national phase filing, are the actual inventors of the invention currently being claimed in the application.

The correct inventors of the currently claimed invention are Beverly L. Davidson and Scott Harper.

12/05/2006 AWONDAF1 00000040 10522954

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November 30, 2006

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Lynda Mau

Signature

Lynda Mau

Typed or Printed Name of Person Signing Certificate

Applicant : Beverly L. Davidson et al.
Serial No. : 10/522,954
Filed : January 31, 2005
Page : 2 of 2

Attorney's Docket No.: 17023.045US2 / 03054

A processing fee in accordance with 37 C.F.R. 1.17(i) is enclosed herewith. Please apply any other charges or credits to deposit account 50-3503.

Respectfully submitted,

Beverly L. Davidson et al.

By their Representatives,

Viksnins Harris & Padys PLLP


Customer Number 53137

PO Box 111098

St. Paul, MN 55111-1098

(952) 876-4091

Date: 30 November 2006

By: 
Ann S. Viksnins
Reg. No. 37,748

S/N 10/522,954



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Beverly L. Davidson et al.	Examiner:	Unknown
Serial No.:	10/522,954	Group Art Unit:	1635
Filed:	January 31, 2005	Docket:	17023.045US2
Title:	ALLELE-SPECIFIC SIRNA-MEDIATED GENE SILENCING		

STATEMENT TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (b)

MAIL STOP PETITION

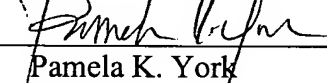
Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application has been assigned by all inventors to the University of Iowa Research Foundation, as evidenced by the enclosed assignment documents. The University of Iowa Research Foundation consents to the changing of inventorship under 37 C.F.R. 1.48(b) from Beverly L. Davidson, Victor Miller, Henry Paulson, Pedro Gonzales-Alegre and Scott Harper, to Beverly L. Davidson and Scott Harper. The undersigned has the authority to act on behalf of the assignee.

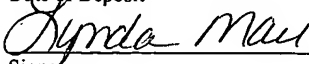
Date: 11-17-06

By: 
Pamela K. York
Executive Director
University of Iowa Research Foundation

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Lynda Mau
Typed or Printed Name of Person Signing Certificate

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To: **Name:** ANN S. VIKSNINS
 Company: VIKSNINS HARRIS & PADYS PLLP
 Fax Number: 19528764098
 Voice Phone:

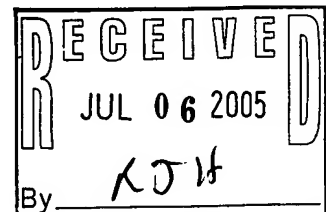
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RECORDATION DATE: 05/16/2005

REEL/FRAME: 016219/0676
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 17023.045W01/03054

ASSIGNOR:

DAVIDSON, BEVERLY L.

DOC DATE: 04/08/2005

ASSIGNOR:

MILLER, VICTOR

DOC DATE: 04/01/2005

ASSIGNOR:

PAULSON, HENRY

DOC DATE: 04/18/2005

ASSIGNOR:

XIA, HAIBIN

DOC DATE: 04/11/2005

ASSIGNOR:

MAO, QINWEN

DOC DATE: 04/11/2005

ASSIGNOR:

GONZALEZ-ALEGRE, PEDRO

DOC DATE: 04/11/2005

016219/0676 PAGE 2

ASSIGNOR:

HARPER, SCOTT

DOC DATE: 04/11/2005

ASSIGNEE:

REGENTS OF THE UNIVERSITY OF
MINNESOTA

450 MCNAMARA ALUMNI CENTER

200 OAK STREET SE

MINNEAPOLIS, MINNESOTA 55455-2070

SERIAL NUMBER: 10522954

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

PCT NUMBER: US0316887

TITLE: ALLELE-SPECIFIC SILENCING OF DISEASE GENES

SHAREILL COLES, EXAMINER

ASSIGNMENT DIVISION

OFFICE OF PUBLIC RECORDS

05/10/2005
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Atty Ref/Docket No.: 17023.045WO1 /03054

Patent and Trademark Office

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1. Name of conveying party(ies):

Beverly L. Davidson, Victor Miller, Henry Paulson, Haibin Xia, Qinwen Mao, Pedro Gonzalez-Alegre, and Scott Harper

2. Name and address of receiving party(ies):

Name: Regents of the University of Minnesota

Street: 450 McNamara Alumni Center
Address: 200 Oak Street SE

Additional name(s) of conveying party(ies) attached?
☐ Yes ☒ No

City: Minneapolis State: MN Zip: 55455-2070

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Additional name(s) & address(es) attached?
☐ Yes ☒ No



Execution Date: April 8, 2005; April 11, 2005; April 18, 2005; April 11, 2005; April 11, 2005; April 11, 2005; and April 11, 2005

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

International PCT application No. PCT/US03/16887

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ann S. Viksnins

Address:
Viksnins Harris & Pady PLLP
P.O. Box 111098
St. Paul, MN 55111-1098

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any over payments to our Deposit account number: 503503

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ann S. Viksnins/Reg. No. 37.748
Name of Person Signing

Ann S. Viksnins 16 May 2005
Signature Date

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To: **Name:** ANN S. VIKSNINS
 Company: VIKSNINS HARRIS & PLLP
 Fax Number: 19528764098
 Voice Phone:

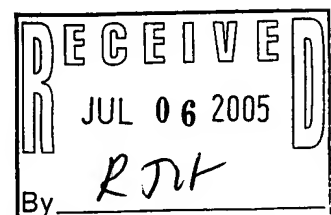
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ANN S. VIKSNINS
VIKSNINS HARRIS & PLLP
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RECORDATION DATE: 05/17/2005

REEL/FRAME: 016220/0391

NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 17023.045W01/03054

ASSIGNOR:

DAVIDSON, BEVERLY L.

DOC DATE: 04/08/2005

ASSIGNOR:

MILLER, VICTOR

DOC DATE: 04/11/2005

ASSIGNOR:

PAULSON, HENRY

DOC DATE: 04/18/2005

ASSIGNOR:

XIA, HAIBIN

DOC DATE: 04/11/2005

ASSIGNOR:

MAO, QINWEN

DOC DATE: 04/11/2005

ASSIGNOR:

GONZALEZ-ALEGRE, PEDRO

DOC DATE: 04/11/2005

016220/0391 PAGE 2

ASSIGNOR:

HARPER, SCOTT

DOC DATE: 04/11/2005

ASSIGNEE:

UNIVERSITY OF IOWA RESEARCH
FOUNDATION
214 TECHNOLOGY INNOVATION
IOWA CITY, IOWA 52242

SERIAL NUMBER: 10522954

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

PCT NUMBER: US0316887

TITLE: ALLELE-SPECIFIC SILENCING OF DISEASE GENES

DOROTHY RILEY, PARALEGAL
ASSIGNMENT DIVISION
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US/11/2005
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Atty Ref/Docket No.: 17023.045WO1 /03054

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Beverly L. Davidson, Victor Miller, Henry Paulson, Haibin Xia, Qinwen Mao, Pedro Gonzalez-Alegre, and Scott Harper

2. Name and address of receiving party(ies):

Name: University of Iowa Research Foundation

Additional name(s) of conveying party(ies) attached?

[] Yes [X] No

Street Address: 214 Technology Innovation Center

City: Iowa City State: IA Zip: 52242

3. Nature of conveyance:

[X] Assignment [] Merger
 [] Security Agreement [] Change of Name
 [] Other

Additional name(s) & address(es) attached?
 [] Yes [X] No

Execution Date: April 8, 2005; April 11, 2005; April 18, 2005; April 11, 2005; April 11, 2005; April 11, 2005; and April 11, 2005

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

International PCT application No. PCT/US03/16887

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ann S. Viksnins

Address:

Viksnins Harris & Pady PLLP
 P.O. Box 111098
 St. Paul, MN 55111-1098

6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00

[] Enclosed

[X] Authorized to be charged to deposit account

8. Please charge any additional fees or credit any over payments to our Deposit account number: 503503

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ann S. Viksnins/Reg. No. 37,748
 Name of Person Signing

Signature

Date

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 P.O. Box 1450
 Alexandria, VA 22313-1450

FILED \$40.00 \$03503 US0316887

ASSIGNMENT

For valuable consideration, we, Beverly L. Davidson, of 3640 Johnson Way N.E., North Liberty, IA 52242; Victor Miller, of 1220 3rd Avenue, Iowa City, IA 52240; Henry Paulson, of 416 N. Linn St., Iowa City, IA 52245; Haibin Xia, of 1264 Shannon Drive, Iowa City, IA 52246; Qinwen Mao of 1264 Shannon Dr., Iowa City, IA 52246; Pedro Gonzalez-Alegre of 1930 Calvin Avenue, Iowa City, Iowa 52246; and Scott Harper of 1 Warwick Circle, Iowa City, Iowa 52240; hereby assign to UNIVERSITY OF IOWA RESEARCH FOUNDATION, a corporation of Iowa, having a place of business at 214 Technology Innovation Center, Iowa City, IA 52242, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an international application entitled ALLELE-SPECIFIC SILENCING OF DISEASE GENES, filed on May 26, 2003, and assigned PCT Application Number PCT/US03/16887, this assignment having an effective date of May 26, 2003 and including this application, any and all United States and foreign patents, utility models, and design registrations granted for any of the inventions or improvements, and the right to claim priority based on the filing date of the application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for the inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

DATE: _____

4-8-05

BEVERLY L. DAVIDSON

Beverly L. Davidson

STATE OF _____

Iowa

COUNTY OF _____

Johnson

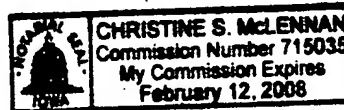
) SS.
)

On 4/8/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared BEVERLY L. DAVIDSON personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in her authorized capacity and that by her signature on this Assignment, the person or the entity upon behalf of which she acted, executed this Assignment.

WITNESS my hand and official seal.

Notary Public

Christine S. McLennan



DATE:

4/11/05

Victor Miller

VICTOR MILLER

STATE OF Iowa)

COUNTY OF Johnson) SS.

On 4/11/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared VICTOR MILLER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in his authorized capacity and that by his signature on this Assignment, the person or the entity upon behalf of which he acted, executed this Assignment.

WITNESS my hand and official seal.

Christine S. McLennan

Notary Public



DATE:

4.18.05


HENRY PAULSON

STATE OF

Iowa

COUNTY OF

Johnson

) SS.

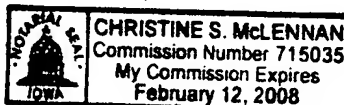
On

4/18/05

, before me, the undersigned, a notary public for the State of Iowa, there personally appeared VICTOR MILLER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in his authorized capacity and that by his signature on this Assignment, the person or the entity upon behalf of which he acted, executed this Assignment.

WITNESS my hand and official seal.


Notary Public



DATE: 4-11-05

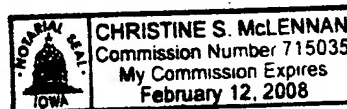
Halpern XZA
HAIBIN XIA

STATE OF Iowa)
COUNTY OF Johnson) SS.

On 4/11/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared HAIBIN XIA personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in his authorized capacity and that by his signature on this Assignment, the person or the entity upon behalf of which he acted, executed this Assignment.

WITNESS my hand and official seal.

Christine S. McLennan
Notary Public



DATE: 4/11/05

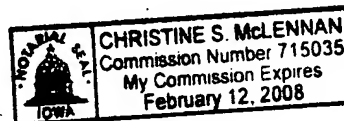
Qinwen Mao
QINWEN MAO

STATE OF Iowa)
COUNTY OF Johnson) SS.

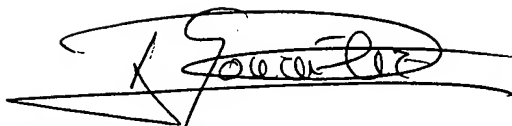
On 4/11/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared QINWEN MAO personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in her authorized capacity and that by her signature on this Assignment, the person or the entity upon behalf of which she acted, executed this Assignment.

WITNESS my hand and official seal.

Christine S. McLennan
Notary Public




DATE: 4/11/2005


PEDRO GONZALEZ-ALEGRE

STATE OF Iowa)
COUNTY OF Johnson) SS.

On 4/11/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared PEDRO GONZALEZ-ALEGRE personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in his authorized capacity and that by his signature on this Assignment, the person or the entity upon behalf of which he acted, executed this Assignment.

WITNESS my hand and official seal.


Notary Public



DATE: 4/11/05

SCOTT Q. HARPER

STATE OF Iowa)
COUNTY OF Johnson) SS.

On 4/11/05, before me, the undersigned, a notary public for the State of Iowa, there personally appeared SCOTT Q. HARPER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this Assignment, who acknowledged having executed the same in his authorized capacity and that by his signature on this Assignment, the person or the entity upon behalf of which he acted, executed this Assignment.

WITNESS my hand and official seal.

Christine S. McLennan
Notary Public



60286091.doc



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ALLELE-SPECIFIC SILENCING OF DISEASE GENES**, the specification of which:

☐ is attached hereto.

☒ was filed on January 31, 2005 as Application Serial No. 10/522,954

☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Serial No.</u>	<u>Filing Date</u>
PCT/US2003/016887	May 26, 2003

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial No.</u>	<u>Filing Date</u>
10/430,351	May 5, 2003
10/322,086	December 17, 2002
10/212,322	August 5, 2002

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Customer Number: 53137

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organizations/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Viksnins Harris Padys PLLP to the contrary.

Please direct all telephone calls to ANN S. VIKSNINS at telephone number (952) 876-4091.

Please direct all correspondence in this case to the correspondence address for:

Customer Number: 53137

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of inventor: **Beverly L. Davidson**

Inventor's Signature: 

Date: Oct 9, 06

Residence Address: North Liberty, Iowa

Citizenship: United States

Post Office Address: 3640 Johnson Way N.E.
North Liberty, IA 52242

Full name of inventor: **Victor Miller**

Inventor's Signature: _____

Date: _____

Residence Address: Iowa City, Iowa

Citizenship: United States

Post Office Address: 1220 3rd Avenue
Iowa City, IA 52240-2011

Full name of inventor: **Henry Paulson**

Inventor's Signature: 

Date: 10/25/06

Residence Address: Iowa City, Iowa

Citizenship: United States

Post Office Address: 416 N. Linn Street
Iowa City, IA 52245-2155

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Full name of inventor: **Beverly L. Davidson**

Inventor's Signature: _____ Date: _____
Residence Address: North Liberty, Iowa
Citizenship: United States
Post Office Address: 3640 Johnson Way N.E.
North Liberty, IA 52242

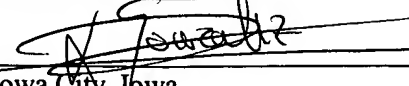
Full name of inventor: **Victor Miller**

Inventor's Signature: Victor Miller Date: 10/27/06
Residence Address: Jacksonville, Florida
Citizenship: United States
Post Office Address: 965 Staveley Drive W.
Jacksonville, FL 32225

Full name of inventor: **Henry Paulson**

Inventor's Signature: _____ Date: _____
Residence Address: Iowa City, Iowa
Citizenship: United States
Post Office Address: 416 N. Linn Street
Iowa City, IA 52245-2155

Full name of inventor: **Pedro Gonzalez-Alegre**

Inventor's Signature: 

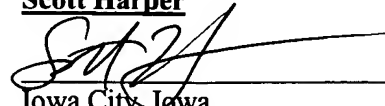
Date: 10/19/06

Residence Address: Iowa City, Iowa

Citizenship: Spain

Post Office Address: 1930 Calvin Avenue
Iowa City, IA 52246-3100

Full name of inventor: **Scott Harper**

Inventor's Signature: 

Date: 10/19/06

Residence Address: Iowa City, Iowa

Citizenship: United States

Post Office Address: 1 Warwick Circle
Iowa City, IA 52240-2847

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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